

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

November 19, 2002

DIVISION ONE

Court convened at 9:00 a.m.

Present: Ortega, Acting P.J., Vogel (Miriam A.), J., Mallano, J. and S. Beaux, Deputy Clerk.

Each of the following:

B148541 People v. Rogers
B151489 People v. Basurto, et al.
B153319 People v. Jackson
B154269 People v. Ricks
B154551 People v. Porter
B155677 People v. Williams
B155954 People v. Franklin
B156974 People v. Heido G.
B157120 People v. Tobon
B155381 DCFS v. JoAnn A.
B157483 DCFS v. Savoeum N.
B158628 DCFS v. Rodgenia W.
B161195 John M.L. v. Superior Court (DCFS)
B161627 Kimberly K. v. SCLA (DCFS)
B156506 McKenzie v. McKenzie

Argument waived, cause submitted.

B153904 People
v.
Arreguin

Merits:

Argued by Joanna Rehm for appellant and by Robert c. Schneider, Deputy Attorney General for respondent. Counsel waives the presence of P.J. Spencer. Cause submitted.

DIVISION ONE (Continued)

B151979 Roy
 v.
 Bowman

Merits:
Argued by Lorne Lilienthal for respondent and by Stanley D. Bowman for appellant. Counsel waives the presence of P.J. Spencer. Cause submitted.

B155647 Shalant, et al.
 v.
 World Savings Bank

Merits:
Argued by Joseph L. Shalant for appellants and by Steven L. Kester for respondent. Cause submitted.

B150365 Manchester
 v.
 Chung

Merits:
Argued by Michael Manchester for appellant and by Kevin J. Rigley for respondent. Cause submitted.

B155108 People
 v.
 Vasquez

Merits:
Argued by Gary V. Crooks for appellant and by Nora Genelin, Deputy Attorney General, for respondent. Counsel waives the presence of P.J. Spencer. Cause submitted.

Mallano, J. leaves the bench.

DIVISION ONE (Continued)

B150657 Solomon
 v.
 Molligan

Merits:

Argued by Kevin J. Stack for appellant and by Howard M. Fields for respondent. Counsel waives the presence of P.J. Spencer. Cause submitted.

Mallano, J. returns to the bench.

Ortega, J. leaves the bench.

B149437 People
 v.
 Lujan, et al.

Merits:

Argued by Meredith Watts for appellant Morris, by Shawn O'Laughlin for appellant Culbertson and by Roy C. Preminger, Deputy Attorney General, for respondent. Appellant Lujan waived oral argument. Counsel waives the presence of P.J. Spencer. Cause submitted.

Ortega, J. returns to the bench.

B156372 Jenkins
 v.
 Densmore, et al.

Merits:

Argued by John A. Shelley for appellant and by M. Michele Lines for respondents. Cause submitted.

Mallano, J. leaves the bench.

DIVISION ONE (Continued)

B157363 Noring
 v.
 Popeney, Lebitsamer & Grange

Appearances:

Larry A. Rothstein for appellant and by Michael M. Bergfeld for respondent. Both counsel decline to waive the presence of P.J. Spencer. Oral argument continued to November 20, 2002 at 10:30 a.m.

Ortega, J. leaves the bench.

B155382 Martinez
 v.
 Alinsod, et al.

Merits:

Argued by Mark D. Rutter for appellant, by Vangi M. Johnson for respondent Alinsod et al. and by David Ozeran for respondent Northridge Hospital. Counsel waives the presence of P.J. Spencer. Cause submitted.

Ortega, J. returns to the bench.

B159249 One World Networks Integrated Technologies, Inc.
 v.
 Dutch et al.

Merits:

Argued by Gregory J. Aldisert for appellant and by Lawrence B. Steinberg for respondents. Cause submitted.

B123107 Barton
 v.
 Princess Cruises, Inc.

Merits:

Argued by Dan Drachler for appellant and by Kirk A. Patrick for respondent. Counsel waives presence of P.J. Spencer. Cause submitted.

DIVISION ONE (Continued)

B136351 Hoffman, et al.
v.
Princess Cruises Inc.

Merits:

Argued by Jon W. Borderud for appellants and by Kirk A. Patrick for respondent. Counsel waives presence of P.J. Spencer. Cause submitted.

B147848 North Valley Coalition of Concerned Citizens
v.
City of Los Angeles, et al.

Merits:

Argued by Kelly T. Smith for appellant, by Keith W. Pritsker for respondent City of L.A. and by Steven W. Weston for respondent Browning-Ferris Industries. Cause submitted.

Court adjourned.

B156288 People (Not for Publication)
v.
Jose Octavio Garcia

The judgment is modified to award defendant 126 days of conduct credits in addition to 252 days of actual custody, for a total of 378 days. As modified, the judgment is affirmed. The trial court is to issue a new abstract of judgment and send it to the Department of Corrections.

Ortega, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

B158453 Los Angeles County, D.C.S. (Not for Publication)
v.
Charlotte D.
In re Justine H., et al.

The judgment (order terminating parental rights) is affirmed.

Ortega, J.

We concur: Spencer, P.J.
Mallano, J.

DIVISION ONE (Continued)

B155677 People (Not for Publication)
v.
Keith Lee Williams

The judgment is reversed and the cause is remanded to the trial court with directions to grant the motion to suppress and to allow Williams to withdraw his plea and admission. (People v. Ruggles (1985) 39 Cal.3d 1, 13; People v. Rios (1976) 16 Cal.3d 351, 359.)

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Mallano, J.

B147388 Shanel Stasz (Not for Publication)
v.
Hugo Quackenbush

The judgment (order of January 17, 2001) is affirmed. Quackenbush is entitled to his costs on appeal.

Ortega, J.

We concur: Spencer, P.J.
Mallano, J.

B154011 Antonio Guevara, a minor, et al. (Not for Publication)
v.
Stephen Heimberg

The judgment is affirmed. Defendant Heimberg is awarded costs on appeal.

Ortega, J.

We concur: Spencer, P.J.
Mallano, J.

November 19, 2002 (Continued)

DIVISION ONE (Continued)

B153319 People v. Jackson (Not for Publication)

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Mallano, J.

B158628 Los Angeles County, D.C.S. (Not for Publication)
v.
Rodgenia W.

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Mallano, J.

B159038 Los Angeles County, D.C.S. (Not for Publication)
v.
Frances J.

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Mallano, J.

B155954 People (Not for Publication)
v.
Franklin

The judgment is affirmed and the cause is remanded to the trial court with directions to issue a corrected abstract of judgment and to forward it to the Department of Corrections.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Mallano, J.

DIVISION ONE (Continued)

B155381 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Joann A.,

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Ortega, J.

B157688 People (Not for Publication)
 v.
 Baber

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Mallano, J.

B147928 Kung (Not for Publication)
 v.
 Chen, et al.

The appeal is dismissed. Respondents are entitled to their costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Ortega, J.

B154543 People
 v.
 Rodriguez

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION TWO

B158122 Eugene G. Sullivan (Not for Publication)

v.

Department of Insurance

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.

Doi Todd, J.

B154482 City of Pasadena (Certified for Publication)

v.

AT&T Communications of California, Inc.

The judgment is reversed. The trial court is directed to enter judgment in favor of the defendant, AT&T Communications of California, Inc. Costs on appeal are awarded to the defendant.

Boren, P.J.

We concur: Nott, J.

Doi Todd, J.

B157406 Farmers Insurance Exchange

v.

Tatyana Shetsov, et al.

Filed order granting motion to dismiss appeal. Appeal (notice of appeal filed March 12, 2002.) dismissed.

DIVISION THREE

B158090 People (Certified for Publication)

v.

Ronald Ernest Walters

The judgment is affirmed.

Klein, P.J.

We concur: Kitching, J.

Aldrich, J.

DIVISION THREE (Continued)

B147905 Robert Stuart Johnson, et al. (Not for Publication)
B154767 v.
 Morgan S. Ralls, Jr., et al.

The trial court's judgment is affirmed in part and reversed in part in accordance with this opinion. The trial court is instructed to modify the judgment to indicate the M. Stan Ralls is a shareholder in Niblick until such time as the valuation process pursuant to Corporations Code section 2000, subdivision(d) is completed and M. Stan Ralls is credited for his shares. At that time, M. Stan Ralls shall transfer his shares to plaintiffs and will no longer be a shareholder in Niblick. In all other respects, the judgment is affirmed. Plaintiffs and respondents are to recover their costs on appeal.

Kitching, J.

We concur: Klein, P.J.
 Aldrich, J.

B154405 Ersel Shakibkoo (Not for Publication)
 v.
 James E. Briscoe, et al.

The trial court's order granting defendants' motion for attorney fees is affirmed. Costs on appeal are awarded to defendants, the respondents.

Kitching, J.

We concur: Klein, P.J.
 Aldrich, J.

B147571 Tower Acton Holdings, LLC, et al.
 v.
 Los Angeles County Waterworks District No. 37

Filed order vacating submission order of August 13, 2002. Due to the press of court business, the complexity of the issues in this case, as well as the fact that one of the members of the panel assigned to the case is out of the county, additional time is needed to complete and file the opinion in this matter. Cause resubmitted.

DIVISION FOUR

B155996 American Samoa Government (Not for Publication)
v.
Factory Mutual Insurance Company et al.

The judgment (trial court's order allowing postjudgment interest from Sept. 28, 1995) is affirmed. Respondent ASG shall recover costs on appeal.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

B143852 Ash
v.
Hoag Co.

Filed order denying petition for rehearing.

DIVISION FIVE

B154447 People (Not for Publication)
v.
Michael E.

The true findings on counts two, four, and five are reversed and the allegations as to those counts are dismissed. The maximum period of confinement is modified to 24 years. As modified, the judgment (order of wardship) is affirmed.

Grignon, J.

We concur: Turner, P.J.
Mosk, J.

November 19, 2002 (Continued)

DIVISION FIVE (Continued)

[illegible]

The judgment is affirmed.

Turner, P.J.

We concur: Grignon, J.
Mosk, J.

B154068 Daniel Wittern (Not for Publication)
v.
Speedee Oil Change Systems, Inc., et al.

The judgment entered on July 6, 2001, is reversed. Plaintiff, Daniel Wittern, is to recover his costs on appeal, jointly and severally, from defendants, Speedee Oil Change Systems, Inc., Speedee Express, Nocal, Inc., Gary L. Copp, and Kevin M. Bennett.

Turner, P.J.

We concur: Grignon, J.
Kitching, J. (Assigned)

DIVISION SIX

B153145 People (Not for Publication)
v.
Jackson, Jr.

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

DIVISION SIX (Continued)

[illegible]

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Yegan, J.

B159281 In re Cassandra L. (Not for Publication)
 Santa Barbara County Child Protective Services
 v.
 Pamela L.

The judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

[illegible]

The order is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

DIVISION SIX (Continued)

B155188 People (Not for Publication)
v.
Valdez, et al.

The order of dismissal is reversed and the matter remanded for resumption of criminal proceedings.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

DIVISION EIGHT

B157179 Cisneros (Not for Publication)
v.
Superior Court, Los Angeles County
(The People Of The State Of California , r.p.i.)

The petition for a writ of prohibition is granted. The trial court is directed to vacate its order of February 28, 2002, denying petitioner's motion to dismiss count 1 of the information, and to thereafter grant the motion. Having served its purpose, this court's order staying the trial in this matter is vacated.

Cooper, P.J.

We concur: Rubin, J.
Boland, J.

B156948 Ybarra
v.
Workers Compensation Appeals Board
Subsequent Injuries Fund, Respondent

Filed order denying petition for rehearing.